

P.M. _____
TIME A.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANK GUIDICE,

Petitioner,

03 CV 4983 (SJ)

- against -

**MEMORANDUM
& ORDER**

UNITED STATES OF AMERICA,

Respondent.

-----X
A P P E A R A N C E S

LINDA S. SHEFFIELD, ESQ.
2026 North Decatur Road, N.E.
Atlanta, Georgia 30307-1127
Attorney for Petitioner

ROSLYNN R. MAUSKOPF, ESQ.
United States Attorney
One Pierrepont Plaza
Brooklyn, New York 11201
By: Jo Ann M. Navickas, Esq.
Attorney for Respondent

JOHNSON, Senior District Judge:

Before the Court is a motion by Frank Guidice ("Petitioner") to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255. Petitioner argues that he was denied effective assistance of counsel by his trial and sentencing attorney, Joseph Corozzo, Jr., Esq. ("Trial/Sentencing Counsel"), and by his appellate attorney, Vivian Shevitz, Esq. ("Appellate Counsel"). The United States Attorney has responded to

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Petitioner's allegations.

Prior to conducting further proceedings in this case, the Court hereby offers Trial/Sentencing Counsel and Appellate Counsel the opportunity to respond in detail to Petitioner's claims. See Sparman v. Edwards, 154 F.3d 51 (2d Cir. 1998) ("We believe that a district court facing the question of constitutional ineffectiveness of counsel should, except in highly unusual circumstances, offer the assertedly ineffective attorney an opportunity to be heard and to present evidence, in the form of live testimony, affidavits, or briefs.").

Trial/Sentencing Counsel and Appellate Counsel shall have ninety (90) days from the date that this Order is entered to submit any filings.

SO ORDERED.

Dated: April 16, 2006
Brooklyn, New York

s/SJ
Senior U.S.D.J.

cc: Joseph Corozzo, Jr., Esq.
Rubenstein & Corozzo, PC
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New York, New York 10016
Trial/Sentencing Counsel

Vivian Shevitz, Esq.
46 Truesdale Lake Drive
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Appellate Counsel